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Appl. No. 10/814,086
Amdt. Dated December 5, 2006
Reply to Office Action of September 5, 2006

•••REMARKS/ARGUMENTS•••

The Official Action of September 5, 2006 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the limitations of dependent claim 2 have been incorporated into independent claim 1. In addition, the reference number 29 for the lower washer has been added as noted.

Entry of the changes to the claims is respectfully requested and deemed proper after Final Rejection inasmuch as the changes merely involve presenting the limitations of a dependent claim in independent form.

The allowance of claim 1 will place dependent claims 3-8 in condition for allowance.

On page 2 of the Office Action the Examiner rejected claims 9-17 under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner takes the position that "one is unable to determine what structural elements constitute a 'ceiling mounted medical supply unit.'"

MPEP 2173.05 states that:

If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. 112, second paragraph) demands no more.

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The first two paragraphs on page 1 of applicants' specification teach:

The present invention relates to a locking device for a vertical connection of two components, in particular for a pivot connection of ceiling-mounted medical supply units, in particular of ceiling-mounted medical stands.

Ceiling-mounted medical stands are provided for overhead mounting of medical equipment, such as medical monitors, respirators, syringe pumps, etc. They are, for example, used in operating rooms or intensive-care units, etc. for accommodation of the systems required for operations, intensive care or examination of a patient. Since all of the supply lines for electric current, compressed air, oxygen, and other medical gases, etc. can be routed from the ceiling into the ceiling-mounted stands where they can be connected directly to the equipment, the necessity of placing the cables on the floor is avoided and the risk of stumbling over cables that are lying on the floor can, thus, be eliminated.

It is submitted that this disclosure is sufficient to reasonably apprise those skilled in the art the nature of a medical supply unit of applicants' invention.

Moreover, a simple search on the term "medical supply unit" in the database of issued patents on the U.S. Patent and Trademark Office website produces three references that disclose such units.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-17 under 35 U.S.C. §112, second paragraph.

Claims 1-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,269,572 to Mefferd.

For the reasons set forth below it is submitted that all of the claims are allowable over the prior art or record and therefore, each of the outstanding rejection of the claims should properly be withdrawn.

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Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Mefferd as disclosing:

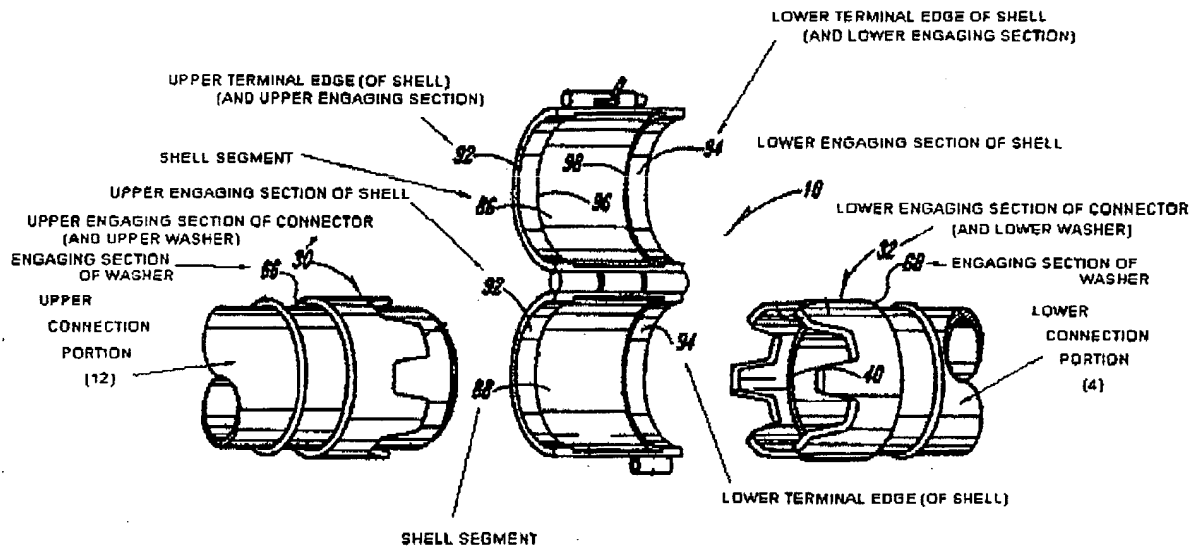
... a locking device for vertical connection of an upper connection component 12, that comprises an upper engaging section, to a lower connection component 14, that comprises a lower engaging section, the locking device comprising two shell segments 86,88 each of which only partially extends around opposite vertical sides of the connection from the outside and in a horizontal direction, with the shell segments comprising upper and lower terminal edges 92,94 at a respective axial end of the shell segment adjacent to each of which is provided upper and lower engaging sections 92,94 facing upper and lower engaging sections 30,32 of the upper and lower connection components so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging sections provided at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging sections of the lower connection component (Figures 2 and 3).

As to claim 2, the Examiner has relied upon Mefferd as disclosing:

...a locking device further comprising an upper and a lower washer 30,32 each being assembled of first and second washer segments, the washers being configured so that each can be pushed onto the connection from the outside and in horizontal direction, whereby, when installed, the upper washer 30 is fixed to the upper connection component 12 and the lower washer 32 to the lower connection component 14, whereby upper and lower engaging sections 66,68 are each formed on the respective washer segments (Figure 2).

The manner in which the Examiner has relied upon Mefferd is illustrated in Fig. 2 of Mefferd as follows:

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It is noted that the Examiner has relied upon structural element 30 of Mefferd as being both applicants' claimed upper engaging section of the upper component and applicants' claimed upper washer. Likewise, the Examiner has relied upon structural element 32 of Mefferd as being both applicants' claimed lower engaging section of the lower component and applicants' claimed lower washer.

Structural elements 30 and 32 of Mefferd are disclosed as being male and female collars, respectively.

Applicants' independent claim 1 (which presently includes the limitations of dependent claim 2), requires, in part, that each washer is assembled of at least first and second washer segments.

As described in reference to applicants' Fig. 4:

...two washer segments 11 and 12 are joined to form an approximately closed washer 9. As seen from above, the two washer segments each have a semicircular shape. They are designed in the form of a flat disk, comprising a first free washer end 15 in

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circumferential direction, a second washer end 16 arranged diametrically opposite to the first washer end 15, a circular surface 17, an inner perimeter side and an outer perimeter side. Several holes 18 through which screw bolts (that are not shown here) are fitted for mounting the washer segments to the pivot connection are provided in the circular surface 17. In the present embodiment, two holes are provided for each washer segment.

The collars 30 and 32 of Mefferd do not include "first and second [washer] segments.

It is the configuration of the washer segments that allows the washers of the present invention to be pushed onto the connection from the outside and in horizontal direction.

The Examiner has not addressed this limitation that was previously found in applicants' claim 2.

Based upon the above distinctions between Mefferd and the present invention, and the overall teachings of Mefferd, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Mefferd as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon Mefferd would be improper inasmuch as Draut does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Mefferd and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

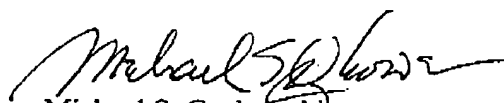
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It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

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